

Settlement in Criminal Proceedings – Abstract

The purpose of my thesis is to analyze specifically one type of diversion in criminal proceedings – settlement. Part of this thesis also explains alternative measures and diversions in general.

The reason for my research is finding that settlement in criminal proceedings has currently limited use, for example in comparison with conditional suspension of criminal prosecution. For this reason, the thesis attempts to identify reasons for this limited use of settlement and submits proposals of regulation that would increase number of settlements.

Further goal of the paper is the attempt to define the role of the settlement in the Czech Criminal Law, the evolution of this diversion, the benefit of this diversion and also the problems of current legislation.

The thesis is composed of five chapters, each of them dealing with different aspects of diversions, especially the settlement. Chapter One is introductory and is dedicated to alternative measures and general topics, such as principles of restorative justice and its historical development.

Chapter Two examines diversions in criminal proceedings and takes care of specific aspects of this legislation. The rest of the thesis explores settlement.

Chapter Three investigates the fundamental characteristics of settlement.

Chapter Four deals with procedural aspect of the settlement and is concluded with a summary focused on application of this institute and the relevant Czech case law.

Chapter Five looks at legislative initiative of settlement, comparison of settlement with conditional suspension of criminal prosecution and also with similar institutes in Austrian criminal law. The end of this chapter is concerned with proposals *de lege ferenda*.

Final part of the paper evaluates achieving goals, which were set in the beginning of the thesis and summarize partial conclusions. The settlement is considered to be appropriate tool to fulfill principles of restorative justice,

however the present form of the settlement is not satisfactory. Opportunities to alter current form of settlement is open.